

DEVELOPMENT REVIEW COMMITTEE

Tuesday, September 27, 2016

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, September 27, 2016**, beginning at 1:00 p.m. at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL by Gail Creech

DRC MEMBERS

Mayte Santamaria, Senior Director of Planning and Environmental Resources	Present
Mike Roberts, Senior Administrator, Environmental Resources	Present
Emily Schemper, Comprehensive Planning Manager	Present
Kevin Bond, Planning & Development Review Manager	Present

STAFF

Steve Williams, Assistant County Attorney	Present
Gail Creech, Sr. Planning Commission Coordinator	Present
Ilze Aguila, Sr. Planning Commission Coordinator	Present

CHANGES TO THE AGENDA

There were no changes to the agenda, with the exception that Ms. Santamaria asked that Items 1, 2 and 3 be read together since they are all the same property and same application.

MINUTES FOR APPROVAL

Ms. Santamaria approved the meeting minutes of Tuesday, August 30, 2016, with no changes.

MEETING

New Items:

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY COMPREHENSIVE PLAN AS A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, CREATING POLICY 107.1.6 SHRIMP FARM AFFORDABLE HOUSING SUBAREA; ESTABLISHING THE BOUNDARY OF THE SHRIMP FARM AFFORDABLE HOUSING SUBAREA; LIMITING THE PERMITTED USES OF THE SUBAREA TO DEED RESTRICTED AFFORDABLE HOUSING DWELLING UNITS; ELIMINATING ALLOCATED DENSITY AND FLOOR AREA RATIO; ADDRESSING WETLAND AND SHORELINE SETBACKS AND HEIGHT WITHIN THE SUBAREA; REDUCING PARKING REQUIREMENTS WITHIN THE SUBAREA; AND REQUIRING BICYCLE PARKING, A MULTI-MODAL TRANSIT STOP, AND ELECTRIC

CAR CHARGING SYSTEM WITHIN THE SUBAREA; FOR PROPERTY LOCATED AT 23801 OVERSEAS HIGHWAY, SUMMERLAND KEY, MILE MARKER 24, DESCRIBED AS A PARCEL OF LAND IN SECTION 27, TOWNSHIP 66 SOUTH, RANGE 28 EAST, SUMMERLAND KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE #00114840-000000, AS PROPOSED BY SUMMERLAND KEY PROPERTY CORP.; TO ACCOMPANY A PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP (FLUM) FROM AGRICULTURE/AQUACULTURE (A) TO RESIDENTIAL HIGH (RH); PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.

(File 2016-136)

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY FUTURE LAND USE MAP AS A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FROM AGRICULTURE/AQUACULTURE (A) TO RESIDENTIAL HIGH (RH); FOR PROPERTY LOCATED AT 23801 OVERSEAS HIGHWAY, SUMMERLAND KEY, MILE MARKER 24, DESCRIBED AS A PARCEL OF LAND IN SECTION 27, TOWNSHIP 66 SOUTH, RANGE 28 EAST, SUMMERLAND KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE #00114840-000000, AS PROPOSED BY SUMMERLAND KEY PROPERTY CORP.; CONTINGENT ON ADOPTION AND EFFECTIVENESS OF PROPOSED SUBAREA POLICY 107.1.5 OF THE COMPREHENSIVE PLAN TO PROVIDE LIMITATIONS ON DEVELOPMENT AND SPECIFIC RESTRICTIONS ON THE SUBJECT PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN AND FOR AMENDMENT TO THE FUTURE LAND USE MAP; PROVIDING FOR AN EFFECTIVE DATE.

(File 2016-137)

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM NATIVE AREA (NA) TO URBAN RESIDENTIAL (UR), FOR PROPERTY LOCATED AT 23801 OVERSEAS HIGHWAY, SUMMERLAND KEY, MILE MARKER 24, DESCRIBED AS A PARCEL OF LAND IN SECTION 27, TOWNSHIP 66 SOUTH, RANGE 28 EAST, SUMMERLAND KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE #00114840-000000, AS PROPOSED BY SUMMERLAND KEY PROPERTY CORP.; CONTINGENT ON ADOPTION AND EFFECTIVENESS OF A CORRESPONDING FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO THE LAND USE DISTRICT (ZONING) MAP; PROVIDING FOR AN EFFECTIVE DATE.

(File 2016-138)

Ms. Schemper presented the staff report. All three of these items are regarding the same piece of property located at Mile Marker 24, Summerland Key, on the bay side. This parcel was previously used as shrimp hatchery/seafood business dating back to at least 1980 and probably well before that. The site is approximately 8.19 acres. The current Future Land Use Designation is Agriculture/Aquaculture. The Land Use District is currently Native Area. The Tier Designation is Tier III. The flood zones are AE9, AE10 and AE11, though mostly AE10. A portion of the western part of the property has V-Zones, elevations 11 and 13. The existing use is vacant. Existing vegetation and habitat is developed and undeveloped land that's scarified, some submerged land in the form of manmade pools, some mangrove habitat areas and possibly some salt marsh areas. There is no habitat survey which will be needed in the future to verify all of the existing habitats before any development approvals.

Ms. Schemper reported that the community character of the immediate vicinity includes adjacent land uses of vacant land to the east, open water to the north and west, an institutional use to the south across US-1, which is the Boy Scouts of America Camp, Florida Sea Base, and some single-family residential to the southeast across US-1, not directly adjacent to the property but nearby. Prior to 1986, the property was in a BU2, Medium Business. In 1986 it was re-designated to Native Area. With the adoption of the Comprehensive Plan's Future Land Use Maps in 1997, it was given its current FLUM designation of Agriculture/Aquaculture. The Property Appraiser's records indicate all historic buildings used in the shrimp hatchery/seafood business were demolished in or leading up to 2011. Again, there is no vegetation or habitat survey, but it appears there are mangrove habitat areas, possibly some salt marsh and buttonwood habitat areas, and the central portion of the site is scarified and disturbed.

Ms. Schemper explained the applicant's requests as follows: A FLUM Amendment from Agriculture/Aquaculture to Residential High and a Zoning Amendment from Native Area to Urban Residential. The applicant's reasons for the proposed amendment is to allow the abandoned shrimp farm to be adaptively reused for affordable housing purposes and to further promote incentives for affordable housing, and to alleviate the ongoing and worsening affordable housing crisis. The proposed FLUM and Zoning Amendment would result in an increase in the potential residential allocated density from zero units to 49 market-rate units; an increase of 78 potential units using TDRs for the residential max net for market rate; an increase of 163 units potential affordable housing under affordable housing residential max net; a potential increase of 81 rooms or spaces for transient density; and a decrease of 89,227 square feet of non-residential square footage potential. This is without the Proposed Subarea Policy.

Ms. Schemper continued with the applicant's Proposed Subarea Policy under Goal 107 of the Comp Plan where the development potential would be limited. Residential allocated density would be zero. The maximum net density using TDRs for market-rate density would be zero. The affordable residential max-net density would be 163, as is allowed in those Future Land Use and Zoning categories. The transient allocated density would be reduced to zero. The non-residential intensity would be reduced to zero. The only density or intensity on the site would be the affordable residential maximum net density, 25 dwelling units per buildable acre which equals 163 units potential for affordable housing.

Ms. Schemper then reported on items the applicant cited in support of the application such as a Population Projection Study by Keith and Schnars done for the County in 2011, and the United Way ALICE Study from the fall of 2014. This is supporting evidence for the need for affordable housing within Monroe County. The data indicates more than half of the County renters are cost burdened, that the County is mainly a tourism economy with a prevalence of lower-paid service sector employment, and renters in the Lower Keys areas are significantly housing burdened.

Ms. Schemper further reported that staff agrees with the position that inadequate availability of affordable housing is one of the primary issues facing permanent residents of Unincorporated Monroe County. In 2015, the Board of County Commissioners acknowledged this and assigned additional duties to the Affordable Housing Advisory Committee, which made some recommendations to the BOCC at the August 2016 meeting, and the BOCC will be scheduling a special meeting to discuss those recommendations and provide direction to staff in the future. This amendment being proposed is a Small-Scale Amendment under Section 163.3187 Florida Statutes. There is a process that differs from normal Comprehensive Plan Amendments. The key criteria are that the amendment involves a use of 10 acres or fewer. This site is approximately 8.19 acres. The only way a Text Amendment can be incorporated into a Small-Scale Amendment is if it relates to and is adopted simultaneously with a Future Land Use Map Amendment. So this is a Text Amendment accompanying a Future Land Use Map Amendment. This amendment has limited all development potential on the site to affordable housing units only, so it meets the additional criteria. Comp Plans amended with a Small-Scale Amendment process have to be done in such a way as to preserve the internal consistency of the plan. While staff agrees with the position that inadequate availability of affordable housing is currently a primary issue facing Monroe County, staff is also reviewing the proposed amendment for consistency with state statutes, rules, internal consistency with the Comprehensive Plan, and balancing all requirements and policy issues.

Ms. Schemper then reviewed a table containing the applicant's proposed language, comments and analysis from staff, and recommended action such as approvals, changes and additional data. The applicant first proposes the subarea policies start out with a purpose: The purpose of the Shrimp Farm Affordable Housing Subarea is to implement applicable goals, objectives and policies of the Comprehensive Plan to promote and facilitate development of affordable housing in a context of transit-oriented and multi-modal development policies and environmental resource protection. Staff concurs this is consistent with the requirement that the Small-Scale Amendment be for affordable housing, and the Comp Plan establishes the subarea policies to protect natural resources and provide for narrowly tailored regulation in order to confine development potential. Staff recommends approval of that statement.

Proposed Language, Number 1, Boundary. The Shrimp Farm Affordable Housing Subarea shall be shown on the official Land Use District Map. This is a technicality as subarea policies under Goal 107 are not overlay zones, so they are not shown on the Land Use District Map. Staff is asking that the text include a legal description instead, and possibly a simple map showing the boundary. In the same area of this text, language needs to include that the property will be designated as Residential High and Urban Residential on the Zoning Map.

Proposed Language, Number 2, Density Provisions. (A) Notwithstanding Policy 101.5.25 of the Comprehensive Plan and in accordance with Policy 101.5.26, the following density and intensity standards shall apply to the Shrimp Farm Subarea. The applicant provided a table showing the development potential itemized by habitat types. Staff recommends complete revision to this table as it does not list density in terms of units per acre or buildable acre, it only lists absolute numbers. This needs to show actual density standards as well. Staff is not clear why it says, “Notwithstanding Policy 101.5.25,” which is the density table of the Comprehensive Plan. The proposed density for the site is 25 dwelling units per buildable acre, maximum net density, which is consistent with Policy 101.5.25 for Residential High FLUM and Urban Residential Zoning. It’s also not clear why the text says, “In accordance with Policy 101.5.26.” That’s what is called the discouragement policy and staff believes they are trying to address this by eliminating the allocated density of the site. Staff proposes edited language saying in order to implement the Florida Keys Carrying Capacity Study the allocated density will be eliminated.

Proposed Language, Number 3. Only the land uses listed below shall be allowed within the Shrimp Farm Affordable Housing Subarea. (A) Permitted as of right. (1) Deed-restricted affordable dwelling units. (2) Home occupations, special use permit required. (3) Passive and active recreation not to exceed .1 FAR. Staff agrees with (1) and (2) as it is consistent with the amendment and requirements of Small-Scale Comp Plan Amendments. Home occupations are a specific use and function as accessory to residential dwelling units. Staff recommends adding accessory uses to the list of permitted uses to be consistent with the setup of the Permitted Use Section. Staff asks that (3) be removed from the proposed language as it is considered a non-residential use, not an affordable housing use. Small-Scale Comp Plan Amendments pursuant to Florida Statutes only allow affordable housing.

Proposed Language Number 3(B), Permitted Use Limitation. (1) All residential units constructed within subarea shall be deed restricted affordable housing in accordance with Policy 601.1.4. Staff has a few editorial changes, but is recommending approval for that. (2) No market-rate housing shall be allocated, assigned or transferred into the subarea. This is consistent with the purpose of the amendment so staff is recommending approval. (3) No affordable unit shall be transferred off site. Properties within the subarea shall not be used as sender sites for affordable housing allocations. Staff recommends approval for that as well. Staff would like some additions to the Permitted Units Limitation such as clarification that no other residential uses and no non-residential uses shall be permitted. Staff recommends a proposed percentage for each affordable housing income category to be provided with the project, that it be put into the subarea policy to be specific and to respond to the supporting data.

Proposed Language, Number 4, Environmental Design Criteria. This section includes a small map delineating some habitat types. Since there is no actual habitat survey, this map should either be eliminated or updated based on an actual habitat survey. Item (A) under Environmental Design Criteria is proposed with the exception of the most northwestern impounded manmade water body and its surrounding native vegetation. Any existing manmade water bodies previously utilized as shrimp hatcheries shall be reclaimed to pre-excavation conditions and the same areas shall be designated disturbed upland on the habitat map for the purposes of assigning maximum net density. Staff has a few editorial changes to that and recommends approval. Item (B) in accordance with Policy 203.1.2 and Policy 212.2.4 of the Comprehensive Plan, wetland

and shoreline setbacks shall be 20 feet in width. Staff has some changes to this. Ms. Schemper asked Mr. Roberts if he wanted to comment on this area.

Mr. Roberts laid out the rationale behind the staff's thought process on this. With Policy 107, the goal behind that policy is environmental protection, to increase or preserve unique or viable, valuable environmental conditions on the property, not to relax those environmental conditions. The proposal for shoreline setbacks appears to be a relaxation as opposed to strict adherence to existing criteria. Without data and analysis of existing conditions, exact conditions of the shoreline can't be identified to either support or defend the proposed setback. Mr. Roberts' knowledge is that it is presently an unaltered open-water shoreline, so the shoreline setback would be 30 feet from mean high water or from the landward edge of the mangrove fringe, whichever is greater. At this point in time, this is the change staff is requesting. Ms. Santamaria added the wording, or applicant would need to submit additional data. Mr. Roberts agreed that, alternatively, the applicant would need to submit data supporting applicant's present position.

Ms. Schemper then continued under Proposed Language. All native trees with a diameter at breast height of greater than 2.5 inches shall be preserved, relocated or replaced with nursery stock of the same species or equally rare species suitable to the site at a ratio of two replacements for every one tree removed pursuant to a transplantation program approved in accordance with Section 118-8. The current Comp Plan only provides for transplantation or mitigation at a two-to-one ratio. Land Development Code Section 118-8 does not provide for transplantation or relocation. Therefore, staff is asking that the proposed language be amended to be internally consistent, or to remove that from the proposed language.

Mr. Roberts commented that the proposed language is also inconsistent with the Comp Plan Policies and Land Development Code relative to the mitigation requirement overall. The applicant proposes 2.5 inch DBH. The mitigation requirement is for removal of native upland vegetation of 4 inches DBH or greater as well as threatened endangered and species of regional importance. Absent an environmental conditions report, no evidence of native upland habitat on that property that would be subject to the mitigation requirements of the County is seen. However, there are a number of wetland habitats on the site that would be subject to state and federal mitigation requirements for wetland impacts. The County does not double-dip on that. If there is mitigation being afforded or provided to a state or federal permit, the County recognizes that mitigation and does not require additional mitigation for the County. Staff needs vegetation surveys and existing conditions reports to support that requirement for mitigation. Mr. Roberts' belief is this is a needless condition or reference in the proposed policy.

Ms. Schemper continued under Proposed Language. A raised boardwalk not to exceed eight feet in width or six feet in overall height from existing grade may be constructed within the setback. The current restrictions on these type of boardwalks is four feet in width. Mr. Roberts confirmed that as being correct. Ms. Schemper explained there are also setback requirements for accessory structures on unaltered shorelines. The same with the next proposal, parking and driveways shall be permitted within setbacks as an accessory use such that open-space ratios for the entire parcel and all scenic corridors and buffer yards are maintained. There are setback requirements for accessory structures, open-space requirements for the shoreline setback itself, not just the overall

open space for the site. Staff asks that these be amended to be internally consistent or removed. Mr. Roberts had nothing further to add to this.

Ms. Schemper continued with Item (C) under Proposed Language. Identified mangrove habitat located on the property will be placed under a perpetual conservation easement to be recorded in the public records of Monroe County. The conservation areas within the conservation easement may in no way be altered from their permitted state excluding restoration activities. Staff suggests some editorial changes, but otherwise recommends approval for that. Item (D) a fully-compliant South Florida Water Management District approved stormwater management system that prevents adverse impacts to the on-site wetland restoration and preservation/conservation area shall be implemented as part of any redevelopment process. This is an existing requirement. In the proposed changes, staff has removed it. It could be approved if the applicant wanted it in there, with some editorial changes.

Proposed Language Number 5, Multi-Modal and Transit Oriented Design Criteria. Item (A) parking and transportation facilities shall be designed as follows: (1) Residential parking shall be provided as follows: (a) Minimum of 1 space per each 1-bedroom dwelling unit. (b) Minimum of 1.5 spaces per each 2-bedroom dwelling unit. And, (c) Minimum of 2.5 spaces for each 3 or more bedroom dwelling unit. Current parking requirements are 2 spaces for a 1-bedroom unit, 2 spaces for a 2-bedroom unit and 3-spaces for each three or more bedroom dwelling unit. There is no data from the applicant to support a reduction of parking standards. Staff asks that the applicant submit data on the proposed multi-modal stop and mass transit to show how this supports the reduced parking, or other data as appropriate, before staff would be able to recommend approval for the reduced parking standards. (A)(2) Residential bicycle parking shall be required at a rate of at least one space per residential unit. Staff recommends approval with an editorial change. (A)(3) Development within the subarea shall provide bicycle and pedestrian paths complementary to the County Trail System along the US-1 corridor. Staff is suggesting some editorial changes so as to be consistent with the adopted Policy 301.3.2, which is more specific about development occurring on or adjacent to the location of a planned bicycle or pedestrian facility identified by the County. (A)(4) Development within the subarea shall provide a multi-modal transit stop for mass transit, which shall include designated areas for bicycle and motorcycle parking. The mass transit stop shall include a covered and secure area for passengers waiting for transportation. The County is supportive of alternative modes such as mass transit. However, it is unclear what service is anticipated, who will be responsible for this, who the users will be, parking, traffic generation, et cetera. The submitted traffic study doesn't evaluate whether it is open to non-residents of the area. Staff is asking for additional information regarding those factors before making any recommendation. Item (5) Development within the subarea shall provide an electric car charging system within the boundaries of the development. It is not clear whether this is only for residents of the affordable housing or if it would be open and available to non-residents in which case, it would not be considered accessory to the affordable housing units and may be considered a commercial retail use. That would not be permitted under the requirements of the Small-Scale Amendment so staff asks this be removed or amended to limit use to residents of the affordable housing located on the property. Item (6) of the Proposed Language, in accordance with Section 130-187 and Section 101-1, building height shall be measured from crown of the nearest road, US-1, to the highest part of the structure. This

is an existing requirement. Staff is recommending approval, but with some editorial changes to make it consistent with specific definitions in the Comprehensive Plan.

Ms. Schemper reported that the information regarding staff's recommended changes to the proposed amendment is available on the public website, color-coded. Green is the applicant's proposal and purple is the County's suggested edits. With the staff-recommended language, pending more information to support certain pieces, this proposal would be consistent with the Comprehensive Plan, the Principles for Guiding Development and Florida Statutes. However, at this time, the recommendation is just a request for additional data and analysis and/or edits to comply with the Small-Scale Amendment requirements and internal consistency with the Comprehensive Plan. With the changes as stated in the staff report, staff recommends approval of the proposed amendment creating Policy 107.1.6, pending updated data and analysis as provided by the applicant, as discussed in the staff report.

Ms. Schemper noted that the process for a Comprehensive Plan Amendment usually involves a Transmittal Hearing before the Board of County Commissioners and then a second public hearing for Adoption. Under the Small-Scale Comprehensive Plan Amendment process, it goes straight to Adoption and does not go through a Transmittal Hearing. So the process is slightly different, and a shorter time line.

Ms. Santamaria explained that this is a special statutory provision. This application still goes through the Development Review Committee and Planning Commission, but instead of two Board of County Commission hearings, it is one hearing, and it then goes straight to the State for review for compliance. Ms. Santamaria asked Ms. Schemper if she had any further comments.

Ms. Schemper stated that for the Future Land Use Map Amendment Proposal from Agriculture/Aquaculture to Residential High, staff is recommending approval, but that's contingent on adoption and effectiveness of the proposed subarea policy that restricts development to affordable housing dwelling units at a maximum of 163 units. And, for the proposed Zoning Amendment from Native Area to Urban Residential, staff is recommending approval, contingent on adoption of the effectiveness of the proposed Future Land Use Map Amendment from Agriculture/Aquaculture to Residential High.

Ms. Santamaria asked for any further staff comments, and if the applicant would like to speak.

Owen Trepanier introduced himself, the property owner Joe Walsh, the biologist Phil Frank and his assistant planner Kevin Sullivan. Mr. Trepanier indicated Ms. Schemper had summarized everything they are trying to do, appreciated the thoughtful consideration, and looks forward to working through the issues with staff.

Ms. Santamaria asked for public comment.

Sean Thompson, resident of Summerland Key, directly adjacent to the subject property, asked about notification under the Monroe County Comprehensive Plan 110-3, regarding location of meetings being held close to project site on a weekday evening, between 45 and 120 days prior to the first of any public hearings required. Ms. Santamaria responded that this was the brand

new Land Development Code adopted April 13, 2016, which is not yet effective. The applicant is not subject to that particular requirement, but is subject to current rules which require Development Review Committee, Planning Commission and Board of County Commission Meetings. These meetings are advertised in the paper, surrounding property owners are sent notices, and that the notification is at least 15 days prior. Mr. Thompson indicated the paper notification was on Saturday. Ms. Santamaria indicated it was sent well before that, but that she would double-check. Ms. Schemper explained that property owners within the 300 feet would get a notification in the mail only for the Planning Commission, which is the first official public hearing. Mr. Thompson indicated he had read somewhere about 600 feet. Ms. Santamaria responded that the 600 feet is in the new code which is not yet in effect. Mr. Thompson asked why the new code is not in effect now. Ms. Santamaria explained that the process is, it's approved by the Board of County Commissioners and then sent to the State. The State reviews it and issues a Final Order. The Final Order has a 21-day challenge period. A person has challenged the State's approval of the Land Development Code and until that is settled, the Land Development Code is not effective. So everyone should be looking at the current code which is on municode.com.

Mr. Thompson continued, indicating he had a whole list of questions. He first read from Goal 101, regarding quality of life. Summerland Key is a very rural area with no fast food within 25 miles either direction, has a no-stoppage area on A1A, and the proposed development is directly near a bridge, so 163 units will impact the quality of life for all people traversing A1A from Key Largo to Key West and will create a bottleneck. He stressed the rural nature of the property, that he personally paddles, swims, runs and bikes around this property, knows the sharks, tarpon, birds, Key deer and all kinds of wildlife there, and this will definitely impact quality of life. As to safety, there are a lot of accidents at this location, along with a fatality within the past six months, and he inquired whether FDOT would be involved in the planning. Ms. Santamaria pointed out that the Future Land Use Application and Zoning Application under Traffic Concurrency, Item 2, Page 9, shows that the applicant still has to submit a Level 3 Traffic Study to review for level of service, safety, turning radius and so forth. Once received, the County's Traffic Engineer will look at it and depending on number of trips generated, FDOT will also look at it because it is on US-1. Mr. Thompson emphasized this is a valuable natural resource and has turned into a natural habitat, home to an osprey nest, dolphin that swim adjacent in the bay and the dolphins have all been named by the residents. So, 163 units will really, really kill that.

Dr. Lesley Thompson, resident of Summerland Key, also found out about this project on Saturday from the newspaper and printed the 1500 pages of documents available. The plan currently posted is not the proper plan so the citizens have no way of knowing what's approved and what's not. After reviewing the Monroe County Land Management Plan, the ALICE Report, the Comprehensive Plan, the Land Development, Department of Economic Opportunities and Emergency Management Plan, as well as the Affordable and Employee Housing Administration Plan, the Monroe County Comprehensive Update from 2010 to 2030, she contends this project does not fit under the Comprehensive Plan for several reasons. Under the Future Land Use Map, this takes a designation of Agricultural property into High Residential. It's not going from single-family dwelling to apartments or going from trailer park to condos. It's going from Agricultural to High-Impact Residential. As a resident and community member, that is a significant impact that seems to deviate from the plan, and changes a land use district of

Native Area to Urban Residential. There is a lot of wildlife there, it's a beautiful area, and there is one place where fresh water collects and a lot of birds can only get it in those ponds where the water collects. The application talks about 8.1 acres, but they want to improve it to 9 acres to fit the additional housing on there by filling. The property is very, very low. Looking down from US-1, it drops down significantly, so these will be very low properties if buildings can be built measuring from the mean high in the road to 36 feet. Dr. Thomason asked if buildings would be allowed to be built to four stories. Ms. Santamaria answered the measurement is from the crown of the road to 35 feet. So, yes, they could build whatever number of stories fell within that. Dr. Thompson indicated that this seems contradictory, to take an Agricultural area and put in four-story buildings. The proposal has no regard for the residents nearby, only the Boy Scout Camp. Outreach to the community prior to meetings would be helpful. 101.5 states future development shall maintain and enhance the character of the community. The character of this community would be very damaged by building four-story units, a bus transit stop, with potential tour buses now on Summerland Key. There are only 3600 homes on Summerland Key currently. This would increase population by 13 percent and add more than 300 cars on the road trying to engage in the road at its most narrow point. Already, from Henry Street, she gets rear-ended almost every day trying to turn in and out and has had no luck with DOT putting in a turn lane. The Monroe County Comp Plan says Monroe County shall manage future growth to enhance the quality and safety of residents, visitors and protect the valuable natural resources. These are some of the things that are very concerning.

Dr. Thompson's next area of concern is that this development is not part of the Cudjoe Regional Wastewater, asking if it would have 163 grinder pumps. Ms. Santamaria did not believe there would be 163 grinder pumps, depending on how it was designed, but this would be at the development stage. Dr. Thompson knows this development is not included in the Cudjoe Regional Wastewater plant, so that should be considered. Projected sewage is 24,000 gallons per day and water consumption is 36,000 gallons per day, which is a huge burden on a very small island. Workforce housing is an important asset that we need as opposed to affordable housing which is not necessarily affordable, based on the ALICE Report. Affordable housing doesn't always end up going to locals. Anyone can come in and meet affordable housing without contributing to the local society, schools, hospitals, police, fire, et cetera. Marathon has seen a big problem with this. Ms. Santamaria clarified there were zero units at market rate. Dr. Thompson referenced the City of Key West White Paper. And also indicated people in this County are often at the beginning or end of their career and don't expect to buy. Rent-controlled apartments in New York City are monitored, but affordable housing in Monroe County gets sublet and no one is monitoring or watching it. Dr. Thompson knows of many, many units being sublet at market rate simply because they can. A task force may need to be set up to monitor this. As to Emergency Management Hurricane Evacuation MOU, Part B, Dr. Thompson read, "Establish a land management system that conserves and promotes the community character of the Florida Keys, balances growth in accordance with capacity providing affordable housing in close proximity to places of employment." There are no places of employment in close proximity to Summerland Key. Dr. Thompson works for the School District and indicated parents enroll their kids in Key West school because their jobs are in Key West, and enrollment in Sugarloaf has dropped by half because parents want kids where they're working. There are no jobs between Key West and practically Marathon or Big Pine that will promote the kind of wages for people who can afford a \$161,000 house. Our own emergency management says,

must be provided in close proximity of employment. Where are these 163 couples, over 300 people, going to work in close proximity to Summerland Key? As to ensuring the population of the Keys can be safely evacuated, the Emergency Management Division directs local governments to recognize the need for balance in limiting the number of building permits on vacant land and, most important, to protect the constitutional rights of the property owners.

Alicia Putney, resident of No Name Key, clarified that the Comp Plan, what Dr. Thompson was reading from, has been adopted, that it's the Code that hasn't been adopted. The Comp Plan is not what's been challenged or held up by the court.

Paula Phillips, resident of Summerland Key and board member of the civic association, just got word of today's meeting and is concerned that all members were not aware of it. She recorded the presentation on her phone and will play it back to some of these absent members. Of concern to Summerland residents and particularly in the Cove area is the impact on traffic and the environment. Understanding that people working here need to have a place to live, she questions why this development is not being built closer to where people will actually be working. Almost all the houses on US-1 in this area have gone up for sale causing concern about the impact on values of existing residences on Summerland Key. She fears this project will be rubber-stamped through, regardless of how many people come forward and are against it. Ms. Santamaria explained the process. Both the Text Amendment to the adopted Comprehensive Plan and the Map Amendment to the adopted Future Land Use Map and adopted Zoning Map require public meetings and public hearings. This is the first public meeting. There will be a public hearing with the Planning Commission and a public hearing before the Board of County Commissioners. The Planning Commission makes a recommendation to the Board, the Board makes the decision. It then goes to the State and several state agencies review it for compliance with state statutes. If the project goes through, there are still other requirements such as conditional use, building permits, a development agreement, ROGO allocations, so nothing is fast-tracked or rubber-stamped. Ms. Phillips inquired as to advanced notification of meetings and size of venue that would accommodate more people. Ms. Santamaria explained that the Planning Commission would meet in the Commission Chambers upstairs. The BOCC meetings will be held in either Marathon or Key West. Ms. Phillips further inquired as to the weight the Planning Commission gives public comment and whether the Planning staff are hired or elected. Ms. Santamaria indicated those present are staff, the Planning Commission is appointed by the elected BOCC. Ms. Phillips reiterated her concern that the public is going through a process where their comments and concerns really aren't going to matter. Mr. Williams indicated that no one present votes on this, so no one present could answer that or cast a vote in favor or against. Ms. Phillips feels weight needs to be given to the people who actually live on the island and will have to live under what the Commission ultimately decides. Mr. Williams emphasized that no one in this room gives any weight to anything, nor do they vote on anything. Ms. Santamaria further emphasized that these meetings are the public's opportunity to have their voice heard and that both the appointed Planning Commission and the elected Board of County Commissioners do take public comment into account.

Deb Curley, resident of Cudjoe Key, also reassured Ms. Phillips that she has been to many Planning and BOCC meetings and the process is effective. She noted that Ms. Santamaria was furiously taking notes and a court reporter was present reporting every word, which is all put

together, and that public input is invaluable. She is pleased that Ms. Phillips is present and stressed that everyone must be engaged in every step of the way, that everything said is being taken down and that the County does give public input great credence. She has seen this happen.

Pete Peterson, resident of Summerland Key, grew up in the Keys and knows what affordable housing is all about as he lived in a tent on Stock Island at one time so he knows what people are going through, but this area is not conducive to building houses. During Wilma, the surge came up on the bay side and went over US-1. This is an extremely low property and it would be a travesty to put people there that are actually going to live there year round, though his biggest concern is that these will become monthly rental units as that's typically what happens with these bait-and-switch projects, that it will end up getting the residents to then agree that 75 is not so bad, so we'll go ahead and put up only 75. Looking at Google Maps, it's a small area mostly consisting of shrimp ponds. As a charter guide fishing that area, a project with 300-400 cars and all of these people will degrade that area. Mr. Peterson inquired whether the mangroves referred to were red mangroves and black, or just red. Mr. Roberts explained that the County Code and Comp Plan do not distinguish between the three species of mangrove, that the perspective is that the mangrove fringe is red, black and white. Mr. Peterson concluded giving this project a big "thumbs down."

Joan Borel, 20-year resident of Summerland Key, concurred with all comments the neighbors had made to this point, adding that several years ago she participated in the Livable Communi-Keys planning process which showed overwhelmingly that the community wants to preserve its rural character, preferring minimal low-density development. Summerland Key is located halfway between Key West and Marathon, is the pristine heart of the Lower Keys and has no public beaches, parks or boat ramps, is adjacent to the backcountry islands and the Great White Heron National Wildlife Refuge. The fisheries support a healthy fishing industry. This parcel, as most of the north side of Summerland, is wetland surrounded by shallow water and seagrass. A high-density development in this location would result eventually in boats and Jet Skis in what is now a wilderness causing environmental impacts, wildlife disturbance including to endangered species, prop dredging of seagrass and the destruction of habitat. This is not the place for affordable housing. It needs to be closer to the jobs and not in the small rural community with no hotels and few businesses. This project betrays the promise of the Livable Communi-Keys Plan and is inconsistent with the existing Comp Plan, the Future Land Use Map, the Agricultural Zone and the Native Area designation. Proposing 163 units for 10 acres of wetlands is ridiculously high. Over half of this parcel is environmentally sensitive. It would make a beautiful passive park with natural wetlands and ponds. She requests that the County not allow the destruction of one of the Keys' most unspoiled areas by removing or changing existing designations and zoning which are meant to preserve community character and environment. It is 2016, we're facing impacts from sea level rise and should be beyond filling wetlands.

John Stokes, resident of Summerland Key, referenced the mentioning of boardwalks in the setback area, and inquired whether the people would have water access. Ms. Santamaria responded that there was no mention of it, but that this is just the Text Amendment. Mr. Stokes believes this would have a big impact because people want to get out to the water, they will cut through the mangroves and there will surely be habitat destruction with nothing to prevent it.

Pete Phillips, resident of Summerland Key, inquired as to whether the Sheriff would have any input into this project because of the shuttle buses that are proposed, particularly with the number of requested car spaces per unit being reduced as compared to what should be there. He is concerned these buses are going to be transporting people imported for businesses that may eventually fail in Key West. Ms. Santamaria reminded him that staff has asked for additional data relative to the parking and the multi-modal stop as nothing was submitted to support either its use, who it would be used by, would it be open to other people or just the residents, and how would the bus stop address reduced parking. There is no recommendation on this yet as staff does not have enough information to make one. Mr. Phillips also mentioned a concern is for the safety and increase of personnel needed by the Sheriff's Department for the residents of Summerland Key.

Mr. Sean Thompson also asked if the Sheriff would be involved in this process. Ms. Santamaria responded, though the Sheriff's Office is not typically involved in this process, they are more than welcome to speak and provide comments on the item. Mr. Phillips asked if the Sheriff could be asked directly, and Ms. Santamaria indicated that he will be asked.

Ms. Alicia Putney, resident of No Name Key, wanted to introduce herself to others present. Though she was not speaking today, she indicated agreement with most everything previously said. She is active in community issues, on the board of the Key Deer Protection Alliance, and also on the board of Last Stand.

Mr. Pete Peterson asked if the County could also make DOT aware of this bus stop as this is a very dangerous place where that comes out of the shrimp farm right at the end of the bridge at Kemp Channel. Ms. Santamaria indicated that they would be coordinating with FDOT.

Ms. Paula Phillips added that the Heritage Trail bike path already causes riders to go onto the shoulder, so DOT needs to be mindful of egress for cyclists.

Ms. Alicia Putney asked Ms. Santamaria if she knew what the plan was for the Heritage Trail at that juncture, and Ms. Santamaria replied that she's seen it, but it is not fresh in her mind. She is on a monthly phone call with FDOT and DEP for updates on the trail, but does not remember if there are redesigns or something else there. Ms. Putney asked if she could report back as to what the plans are for that area and Ms. Santamara indicated affirmatively.

Mr. Sean Thompson commented that along the lines of the bike path the proposed property development has Old Highway 4A cordoned off. The bike path on the bay side ends and then crosses the road prior to that area, but the old roadbed continues on and it looks like there's a cut off section in the pictures and inquired why that is. Ms. Schemper asked for more detail and maps were referenced by Mr. Thompson. Ms. Schemper confirmed there is a cutout on the property line. Mr. Thompson asked if that was for a bike path. Ms. Santamaria responded that it is DOT property and she doesn't recall if it was set aside for the trail, but that will be looked into.

Joe Walsh, the applicant, responded that that particular area was broken up and used for mitigation. It is the Old State Road 4A road bed. It's mitigation so it's not part of this parcel. The applicant has no rights to that area. Mr. Thompson asked if he was planning to build all

around it, and Mr. Walsh replied, no, not down into that area. His initial ideas had been to have the boardwalk that goes around the area connect to the Heritage Trail, but it's not clear whether that permission will be obtainable. On the particular area referenced by Mr. Thompson, there would not be building on either side of that.

Ms. Paula Phillips inquired whether there would be an impact study on the value of the homes on Summerland based on this development or can residents ask that one be done. Ms. Santamaria responded that the Planning Staff are not property appraisers and they would not be able to provide that. Appraisals would need to be done on their own. Ms. Phillips asked if anyone knew how to get that done, and Ms. Curley answered, privately.

Ms. Deb Curley noted there were several items missing from the application that the Planning Department is waiting on, and also several listed where some things are approved and some are not. She inquired whether there would be another DRC meeting or notice of what the applicant submitted. Ms. Santamaria responded that it does not have to come back to DRC. It could go directly to Planning Commission if they provide all of the information, and it would be addressed in the staff report as to what was addressed or what is missing. The applicant is trying to meet a deadline for a state program for the affordable housing funding, so it's unlikely they would commit to another DRC meeting, but items would be addressed/discussed at a Planning Commission Meeting. Ms. Curley asked as to the time line and where information would be found as to what the applicant has done. Ms. Santamaria explained that on the Planning Commission Agenda website will be the file, any additional information submitted, as well as the updated staff report and draft ordinances for the Planning Commission to consider.

Mr. Owen Trepanier interjected that he would contact one person or everybody, if that was preferred, between now and the Planning Board meeting, to meet with everyone and go over revisions in detail. He is willing to meet, talk, and go over the plans in detail to eliminate fears and allow the applicant to focus on the issues that need to be addressed. Dr. Lesley Thompson asked for an email address and Mr. Trepanier handed out business cards.

Mr. Bill Hunter, resident of Sugarloaf Key, indicated he was not speaking in favor or in opposition, but has questions as to the affordable housing and whether these will be multi-family or individual detached residences. Ms. Santamaria responded that this is the Text Amendment and Map Amendment, so it does not include any design of the project. That would be at a later stage. Mr. Hunter followed up that his concern that brought this question about was the reduction in parking. His next question concerned whether these would be for ownership or rentals. Mr. Williams indicated the answer was still the same. Ms. Santamaria confirmed that and explained it is not specified in a Text and Map Amendment, though the applicant could add that to the subarea policy if desired. Mr. Hunter further inquired about parking and other things in the setbacks such as roads. Ms. Santamaria indicated only parking in the setback and a boardwalk, that there can't be accessory uses in the setback and the setback open space must be met. There are provisions to allow boardwalks, but that also has setback parameters and a dimensional requirement. Mr. Hunter reiterated that this is unknown. And Ms. Santamaria indicated it was being put in that it must be consistent with the current requirements. That this is what was in the table, to be internally consistent with the Comp Plan or remove it from the Policy. Mr. Hunter asked about guest/visitor parking spaces and/or storage for boat trailers and

RVs. Ms. Santamaria indicated there is nothing in the Comp Plan or Code regarding visitor parking. Mr. Hunter asked whether the first floor of these units would be at base flood elevation or three feet above. Ms. Santamaria responded, though it is not addressed in the amendment, it must be at least at base flood.

Mr. Pete Peterson had one final question whether anybody involved in this project was involved in challenging the new regulations that the County has not implemented, and Ms. Santamaria indicated that answer is no.

Mr. Sean Thompson indicated he was wondering that as well. He also inquired of Mr. Roberts who had mentioned 30-foot setbacks, and in his reading he noted 50-foot setbacks from natural water bodies with unaltered shorelines and any shoreline that has marine turtles, crocodiles, terns, gulls or other birds, 212.2.4. Mr. Roberts asked for a moment. Ms. Santamaria pointed out he was reading unaltered shorelines. Ms. Schemper responded that some of the confusion about this is because they have no answer on what type of shoreline this is yet or what the habitats are. Mr. Roberts indicated the policy referenced was Policy 212.2.4. The consideration is along open water shorelines that are not adjacent to manmade canals, channels or basins and which have been altered by the legal placement of fill. That reference to the legal placement of fill is landward of that shoreline and where a mangrove fringe of at least 10 feet in width occurs across the entire shoreline of the property, principle structures shall be set back at least 30 feet from the mean high water or the landward extent of mangroves, whichever is further inland. This is the policy that staff was referring to with the assumption that the upland portions of the property had been affected by fill. That is one of the data gaps staff is requiring the applicant to address. Mr. Thompson inquired, if it is considered to be a natural water body, then you have the 50 foot, and Mr. Roberts responded if there is no fill landward of that shoreline. Mr. Phil Frank asked landward or waterward. Mr. Roberts continued, based on the historical development and use of that property along with his past experience with the property, there is enough fill on it to trigger that particular policy, which would be a 30-foot setback from the mangrove edge.

Mr. Bill Hunter he had one more thing, just for the record. The County empowered an Affordable Housing Advisory Committee which found that the workforce housing need is most critical at the median, low and very low income levels, and is most severe in the Middle and Lower Keys. They defined workforce housing for those who derive at least 70 percent of their income as members of the workforce in Monroe County and also meet affordable housing guidelines. Therefore, he believes the County doesn't need any more affordable housing, rather needs workforce housing. Ms. Santamaria asked if the term workforce should be used in lieu of affordable. And Mr. Hunter responded that he believes that's what this County needs, workforce housing.

Ms. Alicia Putney asked what would be allowed if there was a zoning change and a FLUM change, but there was no Comp Plan Amendment change. Ms. Santamaria answered that if there was not the site-specific policy that says they can only build affordable housing, then this would just be a Future Land Use and Zoning Map Amendment. As Ms. Schemper stated, it could potentially allow an increase of 49 market-rate units, meaning they are not income restricted, or potentially 78 units if they transferred in additional density to the site. Ms. Putney asked if that was 78 total. Ms. Santamaria confirmed that with TDRs; so 49 without TDRs, 78 with TDRs,

the same 163 units for affordable housing, because that's the current density standard, 25 dwelling units per buildable acre, up to 81 transient units (rooms or spaces). If the applicant didn't have a site-specific policy, they could do those other uses as well. Proposing a Text Amendment eliminates all other uses and other density that's potentially out there and says we will only build affordable housing on the property. Ms. Putney asked if that was in perpetuity, and Ms. Santamaria said the County's deed restrictions are for 99 years.

Ms. Deb Curley interjected, if you're thinking that's a flub, if you're thinking that that's an incentive to avoid the more density and more market rate and more transient and all that, in reality, with our build-out coming up in seven years, the prospect of any of those other things happening would be really limited. So the incentive to say, oh, we're going to save you doing that by building this affordable housing in perpetuity or 99 years and see what good we're doing, "I don't buy into that."

Ms. Santamaria asked for further public comments. There was none. Ms. Santamaria asked if the applicant would like to speak.

Mr. Joe Walsh indicated what they were going to try to do. Staff and the community has given lots of comments and he would like to integrate those concerns as much as possible. Some of them may be a challenge, but he would like to have a meeting, whether at Sugarloaf School or Square Grouper, prior to the planning meeting. Mr. Trepanier's office will get as much detail as possible to the community, as soon as possible, as to modifications to address or alleviate concerns as much as possible.

Ms. Paula Phillips wanted to go on record as being against the project as it stands and where it's going to be. It is a high-impact area coming off of the bridge. All residents living in the Keys know almost all of the accidents happen on an approach or leaving the bridge and putting 150 units right on Kemp Channel is dangerous. There are many other places in the Keys that this can be put and not on Summerland, particularly right there. Regardless of future meetings she will not change her mind based on that one factor of 150 units on Kemp Channel.

Ms. Santamaria asked for any final comments. There was none. Public comment was closed.

4. 201 COUNTY ROAD, BIG PINE KEY, MILE MARKER 31 (SENDER SITE): A PUBLIC MEETING CONCERNING A REQUEST FOR A MINOR CONDITIONAL USE PERMIT. THE REQUESTED APPROVAL IS REQUIRED FOR THE TRANSFER OF 25 TRANSFERABLE ROGO EXEMPTIONS (TRES) FROM THE SENDER SITE TO A RECEIVER SITE TO BE DETERMINED. THE SENDER SITE IS DESCRIBED AS LOTS 1, 2, 3, 4 AND 5, BLOCK 1, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 AND 18, BLOCK 2, SAM-N-JOE SUBDIVISION (PLAT BOOK 3, PAGE 76) AND LOTS 1, 2, 3, 4, 5, 6, 7, 8 AND 9, BLOCK 3, DARIO'S SUBDIVISION (PLAT BOOK 3, PAGE 92), BIG PINE KEY, MONROE COUNTY, FLORIDA HAVING REAL ESTATE #'S 00300090.000000, 00300180.000000, 00300590.000000 AND 00300670.000000. THE RECEIVER SITE IS TO BE DETERMINED AT A LATER TIME.

(File 2016-113)

Ms. Schemper presented the staff report. This is a request by Longstock II, LLC, to receive approval of a minor conditional use permit in order to transfer 25 transient ROGOs from a sender site at 201 County Road, Big Pine Key, to a receiver site yet to be determined. A separate minor conditional use permit will be required for the TREs to be approved at any future receiver site or sites. The sender site for these TREs is also known as Seahorse RV Park, near mile marker 30 on Big Pine Key, and is four parcels. The Land Use District designations are Improved Subdivision and Urban Residential Mobile Home. The Land Use Map designations are Residential Medium and Residential High. The staff report says Tier Designation is Tier I, but they are now designated as Tier III per two ordinances adopted on May 18, 2016, which became effective the first week of September. The existing use is mobile homes and RVs. Existing vegetation and habitat is predominantly scarified with landscaping. On September 29, 2014, the Planning and Environmental Resources Department issued a letter of development rights determination that recognized 130 ROGO exemptions on this site in the form of 125 transient ROGO exemptions and 5 permanent ROGO exemptions. On July 7, 2015, Development Order No. 03-15 was approved allowing the transfer of 100 transient TREs from this property to a receiver site on Stock Island. The remaining 25 transient ROGO exemptions are the subject of this current request. The criteria for transfer of ROGO exemption is in Monroe County Code Section 138-22. Eligibility of a sender unit or space is that the unit shall be a hotel room, motel room, campground space, RV space, mobile home or dwelling unit found to have been lawfully established. Under criteria (B)(1)(I), sender site is an eligible ROGO exemption that was used in the transient residential unit and they are in compliance with this based on the LDR dated September 29, 2014. The receiver site criteria in that section are not applicable at this time as they have not yet identified a receiver site. An additional minor conditional use permit application will be required for each receiver site proposed in the future. Staff recommends approval with only one condition. This development order only establishes the subject parcel as an eligible sender site for 25 transient TREs under current regulations. A new minor conditional use permit application and development order shall be required for each receiver site proposed. Receiver sites shall be reviewed for eligibility and compliance with the Monroe County Comprehensive Plan and Land Development Code at that time.

There were no questions or comments from staff. The applicant's agent, Bart Smith, Esquire, declined to speak.

Ms. Santamaria asked for public comment.

Alicia Putney had two questions. One, regarding the letter of development potential, getting the history of that and how long it's been being done, and the significance. Ms. Santamaria indicated this is the letter of development rights determination. Applicants apply for this when it's three or more residential units, transient units, or any non-residential floor area. Reviewed are all County records, DOH records, directories, DEP, whatever can be found that are official records of the County or other state or federal agencies, to document what was lawfully permitted on a property. Example: You think you have three homes on your site and the County finds evidence for two, then two can be lawfully recognized. Since the third one was never lawfully established, that's not a ROGO exemption. Ms. Putney asked if it was specifically for the category of TREs. Ms. Santamaria replied, yes, for existing development. Ms. Putney then inquired whether the County had ever recommended denial on any of these TRE applications.

Ms. Santamaria responded that typically when meeting with an applicant, the criteria for sender and receiver sites is explained so they know in advance. If they can't do it, they don't even apply. The ones that apply are the ones that have met the standards.

Bill Hunter requested clarification, that there were 125 transients determined to be on the property and 5 market, 100 were moved off, 25 are about to be moved off, and five markets left, and Ms. Santamaria indicated that was correct.

Deb Curley asked if there are presently people living in the units left. Ms. Santamaria did not know. Mr. Bart Smith indicated he wasn't aware of how many were occupied, though he knows there are some. He believes it to be some number below 25, but could not be exact. Ms. Curley asked how much time they have left. Mr. Smith said they had not even put in the application for the affordable units yet, that it is just preemptory to go through the process of the affordable units. Right now, this step is out of the way so these could be lifted off, and then they can apply for the affordable units.

Bill Hunter had more questions due to gaining information. There was discussion at the Wednesday BOCC about this property and several people in the room were confused about what had happened, what was going to happen, what was and wasn't agreed to, and it all centered around the loss of what was, in essence, affordable housing, and any agreements that may or may not have been made to put affordable back. It came down to the number of affordable ROGOs available on Big Pine and what's left. They were talking about the 16 that were extended. There was discussion about what's going to happen on that property and nobody in the room seemed to know. He asked Mr. Smith to share anything he knew about it. Mr. Smith responded that he had heard secondhand about the meeting last week and understands there was some confusion. What Mr. Smith is aware of is there's 16 units for a portion of Skeeter's or 16 affordable available. The property itself, Big Pine Seahorse, is 32 lots. It's density is one unit per lot. The maximum affordable ROGOs that could be applied for is 32. There are five on site already, the five market rate, so that takes five out, leaving 27 that are the maximum the property could have. A design to connect to Cudjoe Regional is being worked on to connect each lot so they are individual lots. Then they will apply for the affordable ROGOs. There may not be 27 available, over 20 but less than 27 that are available. Ms. Santamaria does not have the exact figure either. She thought there may now be a little over 20 due to some expiring. Mr. Hunter asked how many years are left for allocations. Ms. Santamaria responded until 2023. Ms. Putney thought that was just on Big Pine, but Ms. Santamaria indicated it was everywhere. Mr. Hunter asked when the agreement to make all affordable eligible immediately goes into effect. Ms. Santamaria indicated it went into effect with the Comp Plan. Mr. Hunter replied, so there is no bar going forward, available today. And Ms. Santamaria confirmed that to be correct. Ms. Putney asked if this meant no more TREs, and Ms. Schemper clarified no more ROGO allocations. Ms. Putney indicated she has every faith in the world that that date is going to be changed. Mr. Hunter complimented staff for the thoroughness of the report on the shrimp farm.

Ms. Santamaria asked for further public comment. Being none, public comment was closed.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 2:47 p.m.